

LIMITED SOURCES JUSTIFICATION

**ORDER >\$3,000
FAR PART 8.405-6**

2237 Transaction # or Vista Equipment Transaction #: 580-14-1-5161-0022

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

Manufacturer/Contractor: TOSHIBA AMERICA MEDICAL SYSTEMS
Manufacturer/Contractor POC & phone number: Mr. Doug Larm 1-800-621-1968 EXT7692
Mfgr/Contractor Address: 2441 MICHELLE DRIVE TUSTIN, CA 92780
Dealer/Rep address/phone number: 1-800-621-1968 EXT.7692

☒ The requested material or service represents the minimum requirements of the Government.

(1) AGENCY AND CONTRACTING ACTIVITY: Department of Veterans Affairs
Michael E. DeBakey VAMC
2002 Holcombe Boulevard
Houston, Texas 77030

Network Contracting Activity: 16

(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:

The proposed action is to acquire maintenance services from Toshiba Medical Systems for the continuity coverage of six systems:

<u>MANUFACTURER</u>	<u>MODEL</u>	<u>SERIAL #</u>	<u>LOCATION</u>
<u>TOSHIBA</u>	<u>AQUILLION 64</u>	<u>HDA0782868</u>	<u>2C435-100</u>
<u>TOSHIBA</u>	<u>AQUILLION 64</u>	<u>1AU10Z4686</u>	<u>2C439-100</u>
<u>TOSHIBA</u>	<u>SSA-780A/A1</u>	<u>A1G1244751</u>	<u>5C244-100</u>
<u>TOSHIBA</u>	<u>SSA-780A/A1</u>	<u>A1G1244754</u>	<u>5C228-100</u>
<u>TOSHIBA</u>	<u>SSA-780A/A1</u>	<u>A1G1244753</u>	<u>5A230-100</u>
<u>TOSHIBA</u>	<u>SSA-780A/A1</u>	<u>A1G1244752</u>	<u>5A230-100</u>

Contract Type will be Firm Fixed Priced for FY14 as a new contract.

(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:

Preventative maintenance services for Toshiba Medical Systems including the two Aquillion 64 CT Scan and the four Ultra Sounds. The request is necessary to prevent disruption and provide continuous support to the MEDVAMC.

(b) ESTIMATED DOLLAR VALUE: \$ \$273,277.84

(c) REQUIRED DELIVERY DATE: 11-01-2013

(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE. (CHECK ALL THAT APPLY AND COMPLETE)

☒ Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

The current equipment is proprietary and use of other manufactures or service companies would void the warranties in effect for the next five years. Additionally, the Software for the system is proprietary with no alternate sources available. The required preventative maintenance and software support services can only be obtained from the Original Equipment Manufacturer (EOM), Toshiba Medical Systems, and there are no other options currently available for meeting the agency needs.

☒ A patent, copyright or proprietary data limits competition. The proprietary data is: (If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)

Toshiba Medical Systems is the Original Equipment Manufacturer (OEM) with proprietary hardware and software required to maintain the equipment.

☒ These are "direct replacements" parts/components for existing equipment.

Government existing Toshiba Medical Systems that may require direct replacement parts/components:

MANUFACTURER	MODEL	SERIAL #	LOCATION
TOSHIBA	AQUILLION 64	HDA0782868	2C435-100
TOSHIBA	AQUILLION 64	1AU10Z4686	2C439-100
TOSHIBA	SSA-780A/A1	A1G1244751	5C244-100
TOSHIBA	SSA-780A/A1	A1G1244754	5C228-100
TOSHIBA	SSA-780A/A1	A1G1244753	5A230-100
TOSHIBA	SSA-780A/A1	A1G1244752	5A230-100.

☒ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

The listed Toshiba Medical Systems are utilized daily in patient treatment. Proper maintenance and repairs are essential to deliver quality patient care. Inadequate maintenance and repairs creates a potential safety issue for MEDVAMC staff and patients.

In-house maintenance is infeasible due to manpower shortage, inadequate training and insufficient test equipment.

☐ The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

N/A

☐ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

N/A

(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

Toshiba maintenance services are currently under the Federal Supply Schedule and pricing has already been negotiated at a firm fixed price.

Contracting Officer has received Delegation of Authority to place order against FSS contract V797P-6033B-V046.

(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

Contracting Officer received Delegation of Authority to order against contract V797P-6033B-V046

Contracting Officer published Intent to Sole Source Toshiba maintenance services (VA256-14-Q-2064) via FedBizOpps on October 10, 2013 with results of no interested vendors.

Contracting Officer surveyed twenty Small Business to include SDVOSB, VOSB, WOSB, and 8A via e-mail communicating intent to Sole Source to Toshiba. Return zero replies with capability.

Contracting Officer conducted further market research by communicating with Philips Healthcare service sales representative Francisco Herrera. Sales representative communicated Philip service team is currently working to receive the specialized training for Toshiba Medical Systems. Currently they are only able to do Toshiba scopes.

Toshiba Medical System posses' proprietary hardware, and only services or trained contractor by Toshiba can provide services.

Market research illustrated various Small Businesses under the NAIC code 811219 and keyword Toshiba; however upon assessing the Intent to Sole Source via FedBizOpps and e-mail to twenty Small Businesses, the Contracting Officer does not expect any response from authorized and capable sources for servicing the equipment except the Original Equipment Manufacturer (OEM), Toshiba Medical System.


(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

Toshiba Medical Systems is the Original Equipment Manufacturer (OEM) with proprietary hardware and software required for the equipment to be maintained. Toshiba has also communicated there are no authorized contractors to service Toshiba equipment.

(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:


Toshiba Medical Systems is the Original Equipment Manufacturer (OEM) with proprietary hardware and software required to maintain the equipment. Market research will be conducted on a continuing basis to determine if additional sources such as Philip Medical System service team have received the Toshiba Training to maintenance on government on Toshiba medical equipment.

(9) REQUIREMENTS CERTIFICATION: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

		<u>10-16-2013</u>
SIGNATURE		DATE
<u>Alex Cheng</u>	<u>Biomedical Engineer</u>	<u>Facility Management Service</u>
NAME	TITLE	SERVICE LINE/SECTION
<u>Michael E. DeBakey VA Medical Center</u>		
FACILITY		

(10) APPROVALS IN ACCORDANCE WITH FAR 8.405-6(d):

a. **CONTRACTING OFFICER'S CERTIFICATION (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Anthony CP Marion
Contracting Officer
Network Contracting Office 16

10-16-13
Date

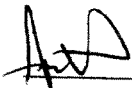
b. **P&C:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Toni A. Clendenen
Chief, Purchasing and Contracting
Network Contracting Office 16

10/16/2013
Date

c. **NCM/PCM:** I certify the justification meets requirements for other than full and open competition.



Aaron Villalpando
Network Contract Manager
Network Contracting Office 16

10/24/2013
Date